



**Equality, Diversity and
Inclusion (EDI) Policy**

2021/2022

Policy issue and updates

<i>Pages</i>	<i>Issue No.</i>	<i>Date</i>
Whole Document – new format and template used.	1	January 2016
Cover page - logo	2	February 2016
Whole document – checked and revised where necessary	3	August 2016
Whole document – annual review and revised where necessary	4	September 2017
Whole document – annual review	5	August 2018
Whole document – annual review	6	August 2019
Whole document – annual review and logo change	7	August 2020
Whole document – annual review	8	August 2021

The following policy has been approved by the Senior Leadership Team and the Executive Team. The policy will be reviewed on an annual basis unless circumstances arise requiring the policy to be reviewed earlier.

Approved by Executive Team: August 2021

Board signatory: 

Planned review: August 2022

1. Policy overview

- 1.1 We are committed to promoting equal opportunities for all those involved in the school community whether staff, students, visitors, contractors or clients. This commitment is to ensure that people's individual qualities are recognised and celebrated; and that people are treated with dignity and respect. We recognise that some groups can experience discrimination and we will ensure that, as a company, we promote equality of opportunity by recognising and celebrating diversity, continuing our proactive equality strategies and plans and complying with all equality legislation. This policy applies to all irrespective of:
- Age
 - Marital and Civil Partnership status
 - Disability
 - Gender
 - Gender identity
 - HIV/Aids status
 - Nationality
 - Race /ethnicity
 - Religion or belief, or non-belief
 - Sexual orientation
 - Social economic status
- 1.2 We have endorsed the commitment to equality through various initiatives, for example, the initiation of equality and diversity training for all staff, training to ensure equality in recruitment and selection, and the declaration of our commitment to equal opportunities in all job advertisements. The policy applies to all our practices and processes, which include student recruitment and widening participation, recruitment and selection of staff, terms and conditions of employment, promotion, training, conditions of work, pay, treatment at work and termination of employment.
- 1.3 We will ensure that all contractors, visitors and those not employed by us are made aware of the EDI Policy and all relevant regulations to ensure that they treat individuals with dignity and respect. Where these are breached we reserve the right to take appropriate action.
- 1.4 Contractors will be expected to have within their own organisations an equal opportunities policy and equality action plans in place to provide evidence of staff monitoring and fair recruitment and selection practices to ensure diverse sections of the community are fairly represented.
- 1.5 The co-operation of everyone within the school (staff, students, contractors, clients and visitors) is essential to the success of this policy. Staff teams are expected to carry out their activities in a fair and consistent way ensuring that their procedures and practices comply with equal opportunities policies and regulations as they perform their day to day duties. Students are also expected to promote dignity and respect in all their engagements with other students and staff as they undertake their studies and activities.

2. Definitions

2.1 Direct Discrimination:

Direct discrimination is when someone is treated less favourably or put at a disadvantage. Examples of direct discrimination could include during the recruitment process, when someone is not employed because they identify with or belong to one of the equality groups.

2.2 Indirect Discrimination:

Indirect discrimination is the use of provision, criterion or practice that is apparently neutral but places some people at a disadvantage compared to others, unless this can be justified. Such an example is where a Chief Executive applies a no headwear policy to all staff due to not wanting delivery drivers wearing baseball caps. This policy, although applied to all staff, disadvantages his Sikh Staff who wear turbans for religious reasons (ACAS Guidance).

2.3 Victimisation:

Victimisation is when a person is treated detrimentally because they have made a complaint or are intending to make a complaint about harassment or discrimination. For example, if a member of staff gives evidence at a discrimination tribunal and subsequently sees an opportunity for promotion or training is denied them because of their having given evidence and the organisation refuses to take reasonable steps to prevent this from happening, then they would be liable. Individuals who victimise may also be ordered to pay compensation.

2.4 Harassment:

Harassment is when a person's conduct has the purpose or effect of either violating another's dignity or creating an offensive environment for them. It may be intentional bullying which is obvious or violent, but it can also be unintentional or subtle and insidious. It may involve such things such as the use of nicknames, teasing, tormenting, name calling or other behaviour which may not be intended to be malicious but nevertheless is upsetting.

2.5 Hate crimes:

The term "hate crime" can be defined as any crime committed against a person, a group or the property of a person or group where the motivation for the crime is hatred of, or prejudice against, their gender, sexual orientation, race, religion, non-religion, disability or age. Hate crime may manifest itself in a number of ways, which may include

offensive literature, damage to property, verbal abuse and threats, malicious telephone calls, threatening behaviour, offensive graffiti, sending offensive e-mails and assault.

2.6 Intolerance:

Intolerance covers behaviours that can, intentionally or unintentionally, manifest themselves as hate crimes. Academic freedom is an important component of academic life and flourishes best where there is respect for a wide range of view and beliefs.

3. Commitments

- 3.1 We will strive to make all our facilities accessible to staff and students regardless of any seen or unseen Impairments. We appreciate that the Disability Discrimination Act (DDA) requires us to meet the need of a widely diverse group of people and follows the guidance available to ensure compliance. We also recognise that it is essential to put procedures in place to handle complaints in the most positive way.
- 3.2 We will continue to consult with community groups and organisations to ensure that we develop innovative ways of recruiting individuals either as staff or students. In addition, we will continue to carry out consultation exercises to ensure that we adequately promote and celebrate people's individual qualities within our school community. We will also continue to carry out adequate consultation on our policies, practices and procedures to ensure we fulfil our commitment to promote equal opportunities within our school.
- 3.3 To ensure that all our policies, functions and procedures comply with equal opportunities legislation and that they do not have adverse impact on any group, we will continue to carry out monitoring exercises.
All job applicants and people applying to join Progress Schools as students complete a confidential equal opportunities monitoring form, which forms part of monitoring the effectiveness of our equal opportunities in staff and student recruitment. Where inequality is discovered, positive action will be taken to address the imbalance.

4. Equality statement

4.1 Disability

We are committed to challenging disability discrimination and inequality in all its practices and activities. Progress Schools will implement best practice and compliance with legislation and provide supportive measures that will meet the specific needs of disabled staff; students, contractors and visitors. We accept and apply the definition of disability in accordance with the Disability Discrimination Act. We will provide reasonable adjustments where possible to enable staff, students, contractors and visitors to carry out their responsibilities effectively. Where necessary a risk assessment may be undertaken and/ or external specialist advice sought, including from Access to Work.

We will respect the wish for confidentiality by disabled people. Therefore, any support measure implemented will be mutually agreed and acceptable to the individuals concerned via their health passport. We will consult regularly with disabled staff and students and, where appropriate, external organisations, to inform policy development and change practice where necessary.

4.2 Race

We are committed to challenging discrimination on the grounds of race and inequality in all its practices and activities. SLT affirm their responsibility for implementing race equality in all activities. We will ensure commitment to fulfilling the requirements of the Race Relations (Amendment) Act. We will do everything in our power to:

- Eliminate unlawful racial discrimination.
- Promote equality of opportunity.
- Promote good relations between persons of different racial groups.
- Assess the impact of its race equality policy on students and staff of different racial groups.
- Monitor its workforce and ensure people from ethnic minorities are treated fairly.
- Assess its policies and programmes as they affect ethnic minorities, and deal with any possible adverse impact.

4.3 Gender

We are committed to challenging gender discrimination and inequality in all its practices and activities. SLT affirm their responsibility for implementing gender equality in all activities. We will give due regard to the need to:

- Eliminate discrimination and harassment which is unlawful under the Sex Discrimination Act (SDA) and discrimination that is unlawful under the Equal Pay Act (EqPA)
- Promote equality of opportunity between men, women and trans people
- To promote work life balance

This duty applies to all functions not just in education provision, employment and service delivery but, for example, in budget setting, course validation, procurement and strategic planning. We will also comply with the equality legislation for transgender people in accordance with the Gender Equality Duty. We will support transgender staff and students throughout the transition process (See Transgender Awareness Policy) and will recognise people's gender before they are in possession of a Gender Recognition Certificate. We will comply with the following regulations: Gender Recognition Act (GRA), Civil Partnership Act and The Sex Discrimination Act.

4.4 Religion and belief, or non-belief

We are committed to challenging discrimination on the ground of religion and belief or non-belief. SMT affirm their responsibility for ensuring equality on the ground of religion and belief or non-belief in all activities

It recognises that it is a fundamental human right to hold a religion or belief or non-belief and that right should be treated with respect. With the understanding that people can experience discrimination or be treated differently because of their religion, belief(s), or non-belief(s), where practicable, Progress School people can practice their religion or belief(s). Progress Schools complies with the Employment Equality (Religion or Belief) Regulations and will ensure that:

- Students and staff who hold a religion or belief or non-belief are treated equally and fairly.
- Students and staff are made aware and are sensitive and tolerant of other people's religion and belief and non-beliefs.
- Where practicable, consideration will be given to student and staff requirements to pray in any particular form based on the nature and depth of their personal belief and practice. We will also give consideration to students and staff who need time off for festivals that are part of their religion or belief.

4.5 Sexual Orientation

We are committed to challenging discrimination and inequality with regard to sexual orientation in all its practices and activities. SLT affirm their responsibility for implementing equality for everyone, regardless of sexual orientation, in all activities. We will not tolerate any form of discrimination against anyone including people who are Lesbians, Gay or Bisexual (LGBTQ+ Community). To achieve this end, we will work to comply with all regulations relating to sexual orientation including:

- Employment Equality Act (Sexual Orientation) regulations
- Data Protection Act
- The Adoption and Children Act
- Maternity and Parental Leave Regulations
- Paternity and Adoption Leave Regulations
- Employment Rights Act
- Civil Partnerships Bill

4.6 Age

We are committed to challenging discrimination and inequality with regard to age in all its practices and activities. SMT affirm their responsibility for implementing equality for everyone regardless of their age in all activities. We comply with the Employment Equality Act (Age) Regulations. Age equality and retirement policies and procedures have been put into place. We recognise that people can be discriminated against because of their age and will not tolerate any form of age discrimination. We will continue to appreciate the valuable contributions made by staff and students of all ages in terms of quality of experiences brought to learning, teaching, research, support services, consultancy, enterprise, administration, professional services and management.

As part of their managerial responsibilities, all managers have a professional as well as legal obligation to eliminate age discrimination. All individuals will be personally accountable for their behaviour, actions and/or lack of actions in cases of complaint and or harassment. All individuals involved within Progress Schools must recognise that ageism is harmful and undermines the contributions that young people and older people can make to an organisation. We will take necessary positive action to recruit younger and older people to ensure an age balance workforce and to ensure we do not miss out on the valuable range of contributions that staff and students of different ages can bring to the University learning environment and workforce.

5. Promoting dignity

5.1 We are committed to promoting practices that take into account the rights of individuals to be treated with dignity and respect. We acknowledge those with protected characteristics and it recognises that discrimination, victimisation, bullying and harassment may be experienced in a number of ways, including day-to-day interaction with colleagues, peers and visitors. The aim is to promote a positive environment and reduce stress, illness and absenteeism and prevent any individual from being forced to give up work or studies because of perceived issues in this area. In line with legislation, we will carry out monitoring processes. The information for monitoring will be handled confidentially and made available to SLT to inform future planning and positive action where necessary. The categories for monitoring purpose are as follows:

- Age
- Religion
- Disability
- Gender
- Race/ ethnicity
- Sexual orientation
- Numbers of internal/ external candidates
- Those not shortlisted, with reasons
- Those shortlisted, with reasons
- Those offered posts, with reasons
- Those rejected for posts, with reasons
- Advice offered to rejected candidates

6. Staff development and training

6.1 All staff will be given the opportunity to develop themselves and undertake appropriate qualifications relevant to their post and/ or progression opportunities. To comply with good practice, we will monitor, through approval, staff take up of courses for personal development and progression. Staff involved in the recruitment of students or staff will be provided with training on the assessment of prior learning and equal opportunities good practice. All staff joining us are required to undertake training in equality and

diversity where their duty to promote equal opportunity in every aspect of their activities is highlighted.

- 6.2 Development reviews will be concerned with skills or aptitudes relevant to the job performance and areas where staff development and support are required will be identified.

7. Complaints

- 7.1 We are committed to dealing with complaints from staff, students, visitors, clients and contractors in a fair, just, timely and transparent manner. We offer support and advice for students and staff who feel they have been discriminated against. Please see the Complaints Policy for further details.

8. Legislation

- 8.1 The Equality Act provides a single, consolidated source of discrimination law, covering all the types of discrimination that are unlawful. It simplifies the law by getting rid of anomalies and inconsistencies that had developed over time, and it extends protection against discrimination in certain areas.

- 8.2 The Act makes it unlawful for the responsible body of a school to discriminate against, harass or victimise a student or potential student:

- in relation to admissions,
- in the way it provides education for students,
- in the way it provides students access to any benefit, facility or service, or
- by excluding a student or subjecting them to any other detriment.

- 8.3 The “responsible body” is the Governing Executive Team and the proprietor in the case of Independent schools, Academies or non-maintained special schools. In practice, any persons acting on behalf of the responsible body – including employees of the school – are liable for their own discriminatory actions, and the responsible body is also liable unless it can show that it has taken all reasonable steps to stop the individual from doing the discriminatory action or from doing anything of that kind.

- 8.4 Protected characteristics:

It is unlawful for a school to discriminate against a pupil or prospective pupil by treating them less favourably because of their:

- age
- disability
- gender/gender reassignment
- marriage or civil partnership
- pregnancy and maternity

- race
- religion or belief
- sex
- sexual orientation

8.5 Association:

It is unlawful to discriminate because of the age, sex, race, disability, religion or belief, sexual orientation or gender reassignment of another person with whom the pupil is associated. So, for example, a school must not discriminate by refusing to admit a pupil because his parents are gay men or lesbians. It would be race discrimination to treat a white pupil less favourably because she has a black boyfriend.

8.6 Perception:

It is also unlawful to discriminate because of a characteristic which you think a person has, even if you are mistaken. So a teacher who consistently picks on a pupil for being gay will be discriminating because of sexual orientation whether or not the pupil is in fact gay.

8.7 The Act extends protection against discrimination on grounds of pregnancy or maternity to pupils, so it will be unlawful – as well as against education policy – for a school to treat a pupil unfavourably because she is pregnant or a new mother.

8.8 Protection for transgender students against gender reassignment discrimination is also included in this Act.

8.9 The term “protected characteristics” is used as a convenient way to refer to the personal characteristics to which the law applies.

A person’s age is also a protected characteristic in relation to employment and the Act extends this (except for children) to the provision of goods and services, but age as a protected characteristic does not apply to students in schools. Schools therefore remain free to admit and organise children in age groups and to treat pupils in ways appropriate to their age and stage of development without risk of legal challenge, even in the case of pupils over the age of 18.

8.10 Unlawful behaviour:

The Act defines four kinds of unlawful behaviour – direct discrimination; indirect discrimination; harassment and victimisation.

Direct discrimination occurs when one person treats another less favourably, because of a protected characteristic, than they treat – or would treat – other people. This describes the most clear-cut and obvious examples of discrimination – for example if a school were to refuse to let a pupil be a prefect because she is a lesbian.

Indirect discrimination occurs when a “provision, criterion or practice” is applied generally but has the effect of putting people with a particular characteristic at a disadvantage when compared to people without that characteristic. An example might be holding a parents’ meeting on a Friday evening, which could make it difficult for observant Jewish parents to attend. It is a defence against a claim of indirect discrimination if it can be shown to be “a proportionate means of achieving a legitimate aim”. This means both that the reason for the rule or practice is legitimate, and that it could not reasonably be achieved in a different way which did not discriminate.

Harassment has a specific legal definition in the Act - it is “unwanted conduct, related to a relevant protected characteristic, which has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person”. This covers unpleasant and bullying behaviour, but potentially extends also to actions which, whether intentionally or unintentionally, cause offence to a person because of a protected characteristic.

Where schools are concerned, the offence of harassment as defined in this way in the Act applies only to harassment because of disability, race, sex or pregnancy and maternity, and not to religion or belief, sexual orientation or gender reassignment. It is very important to recognise that this does not mean that schools are free to bully or harass pupils on these other grounds - to do so would still be unlawful as well as unacceptable. Any case against the school would be on grounds of direct discrimination rather than harassment.

Thus, if a teacher belittles a pupil and holds her up to ridicule in class because of a disability she has, this could lead to a court case alleging unlawful harassment. The same unacceptable treatment directed at a lesbian pupil, or based on a pupil’s religion, could lead to a case claiming direct discrimination. The practical consequences for the school, and the penalties, would be no different.

Victimisation occurs when a person is treated less favourably than they otherwise would have been because of something they have done (“a protected act”) in connection with the Act. A protected act might involve, for example, making an allegation of discrimination or bringing a case under the Act, or supporting another person’s complaint by giving evidence or information, but it includes anything that is done under or in connection with the Act. Even if what a person did or said was incorrect or misconceived, for example based on a misunderstanding of the situation or of what the law provides, they are protected against retaliation unless they were acting in bad faith. The reason for this is to ensure that people are not afraid to raise genuine concerns about discrimination because of fear of retaliation.

As well as it being unlawful to victimise a person who does a protected act, a child must not be victimised because of something done by their parent or a sibling in relation to the Act. This means that a child must not be made to suffer in any way because, for example, her mother has made a complaint of sex discrimination against the school, or her brother has claimed that a teacher is bullying him because he is gay, whether or not the mother or brother was acting in good faith.

If a student has himself or herself done a protected act – such as making a complaint of discrimination against a teacher – then the child’s own good faith will be relevant. For example, if the parent’s complaint is based on information from her son and the son was deliberately lying, it is not victimisation for the school to punish him in the same way as it might do any other dishonest pupil. Unless it can be clear that the mother was also acting in bad faith (for example that she knew her son was lying) it would still be unlawful to victimise her for pursuing the complaint.